

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Pasadena Neighborhood Coalition,

Complainant,

vs.

Altrio Communications, Inc.,

Defendant.

Case 02-11-053
(Filed November 19, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING
SETTING SCHEDULE FOR MOTION TO DISMISS**

Complainant Pasadena Neighborhood Coalition (Coalition) alleges that defendant Altrio Communications, Inc. (Altrio) is in violation of the requirements of Decision (D.) 01-07-022 (July 12, 2001), which granted Altrio a limited Certificate of Public Convenience and Necessity (CPCN) to provide competitive local exchange services in communities in Los Angeles, Orange, and Ventura counties. Altrio filed a motion to dismiss the complaint on February 24, 2003.

At the prehearing conference (PHC) held on February 28, 2003, the Administrative Law Judge (ALJ) suggested that Altrio reconsider the timing of its motion to dismiss, since the issues it raises about the application of the California Environmental Quality Act might be better addressed after, rather than before, the evidentiary hearing (EH). Counsel for Altrio agreed to hold the

motion in abeyance, reserving the right to request a decision on the motion prior to the EH.

By letter dated March 26, 2003, counsel for Altrio requested that the motion to dismiss be decided. After receiving a copy of Altrio's letter on March 28, counsel for the Coalition sent a letter dated April 1, objecting to the request. Altrio responded to the objections by another letter dated April 1, transmitted by electronic mail on April 2.

At the PHC, the ALJ stated that Altrio could request a decision on the motion to dismiss at any time following the PHC. Having considered the positions of the parties in the correspondence on this matter, I set the following schedule for further filings on the motion to dismiss. All filings must comply with the requirements of Rule 45 of the Commission's Rules of Practice and Procedure. Counsel shall send courtesy copies by electronic mail to each other and to the ALJ on the date the filings are made.

A second PHC to present oral argument on the motion to dismiss, as requested by Altrio, is unnecessary. Altrio's request is denied.

Schedule

Coalition's response	April 14, 2003
Altrio's reply	April 18, 2003

IT IS RULED that:

1. The schedule for filings on Altrio Communications, Inc.'s (Altrio) motion to dismiss is as set forth herein.
2. Altrio's request for a second prehearing conference to present oral argument on the motion to dismiss is denied.

Dated April 10, 2003, at San Francisco, California.

/s/ ANNE E. SIMON

Anne E. Simon
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Setting Schedule for Motion to Dismiss on all parties of record in this proceeding or their attorneys of record.

Dated April 10, 2003, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.